IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.4378/2006.

Mahendra Pathak & Ors. VERSUS University of Raj & Anr.

08.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Dr.Swati Bhati, for the petitioners.
Dr.Y.C.Sharma, for the respondent-University.

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The petitioners in the writ petition have sought the relief that they may be permitted a 5th chance over and above 1 + 3 chance as provided under the Ordinance 253-B of the University of Rajasthan to clear the due papers for the LL.B. First Year Examination.

The petitioners have in the meanwhile, appeared at the Second Year and Third Year Examination and are reported to have passed the same.

The petitioners' case was based upon the fact that the University had in a similar circumstance awarded 5th chance to a candidate with Roll No.1357 for clearing the due paper. The marksheet of the said candidate has been filed as Annexure-1. Claiming parity with the said candidate, the petitioners approach this court stating that they may be granted 5th chance or in the alternative the University should permit the petitioners to appear at the due papers and in the meanwhile, the representation which has been filed by the petitioners may be decided by the University.

In response to the notice of this court dated 26.05.2006, the respondents have appeared and they filed the reply. The contention of the learned counsel for the respondents is that the University of Rajasthan under Ordinance 253-B(v) can permit a candidate to appear for the paper and in case he fails to pass the same, he would be afforded three more chances to clear the said paper. The submission of the learned counsel for the respondents is that the petitioner appeared at the paper in question along with main examination of the First Year and thereafter was allowed three or more attempts to clear the same but failed to do so. In view of the statutory provisions of Ordinance 253-B, the petitioners cannot be permitted to appear at the paper for the 5th attempt.

Learned counsel for the respondents, however submits that the petitioners who have not clear the due papers in the First Year LL.B. Course, would be permitted to appear at all the nine papers of First Year LL.B. Examination, 2007 including the practicals and their result of Second Year and Third Year, however, would not be affected.

I have given my thoughtful consideration to the rival submissions.

In view of the fact that the Ordinance 253-B admits of only 1 + 3 chances, the petitioners cannot be permitted the relief of 5th chance which is not permissible under the Ordinance, as such, the writ petition to that extent is dismissed.

In view of the submission of the learned counsel for the respondents, the respondent University would permit the petitioners to appear at the First Year Examination all over again in all the nine papers in the ensuing Examinations, 2007, this writ petition is disposed of with the direction that the University shall permit the petitioners to appear at the First Year LL.B. Examination in all the papers along with practicals in the year 2007. The result of the petitioners in so far as the LL.B. Second Year and Third Year Examinations, which they have already taken, would not be affected and in case the petitioner pass the LL.B. First Year Examination, their combined result of LL.B. Examinations would be declared.

This writ petition accordingly stands disposed of with the above direction. The application for modification of the order dated 26.05.2006 also stands disposed of in the light of the above.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.